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FILED
JUL 31 2014
MICHAEL KONZ, Clerk
By JV Dep. Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRANDON BYNUM
2750 Winton Street
Philadelphia, PA 19145

Plaintiff

Vs.

TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA
133 South 36th Street, Suite 300
Philadelphia, PA 19104

and

UNIVERSITY OF PENNSYLVANIA
133 South 36th Street, Suite 300
Philadelphia, PA 19104

and

UNIVERSITY OF PENNSYLVANIA POLICE
OFFICER
COOPER. Badge No. 111
133 South 36th Street, Suite 300
Philadelphia, PA 19104

and

UNIVERSITY OF PENNSYLVANIA POLICE
OFFICERS
JOHN DOE NUMBERS 1 THROUGH TEN, BADGE

CIVIL ACTION

14 4548

No.:

JURY TRIAL DEMANDED

3025
7/31/14

NUMBERS UNKNOWN
133 South 36th Street, Suite 300
Philadelphia, PA 19104

Defendants

COMPLAINT

I. JURISDICTION

1. This action is brought pursuant to 42 U.S.C. Sections 1983, and 1985 and 1988, 28 U.S.C. §§ 1331 and 1343(1),(3),(4) and the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, the Pennsylvania Constitution, and under the Common Law of the Commonwealth of Pennsylvania. Plaintiff further invokes the supplemental jurisdiction of this Court to hear and decide claims arising under state law.

II. PARTIES

2. Plaintiff, Brandon Bynum, is citizen of the Commonwealth of Pennsylvania, who at all times relevant hereto resided at 2750 Winton Street, Philadelphia, Pennsylvania.

3. Defendant, Trustees of the University of Pennsylvania ("TRUSTEES"), is the governing board of the University of Pennsylvania, a Pennsylvania not-for-profit corporation, which maintains its office of general counsel at 133 South 36th Street, Suite 300, Philadelphia, Pennsylvania. At all times material and relevant hereto Defendant, Trustees of the University of Pennsylvania operated, managed, directed and controlled the University of Pennsylvania Police Department and employed Defendants, University of Pennsylvania Police Officers Cooper, Badge No. 11 and John Does One through Ten, Badge Nos. Unknown.

4. Defendant, University of Pennsylvania ("UOP"), is a not-for-profit corporation and at all times relevant hereto operated, managed, directed and controlled the University of Pennsylvania Police Department which employed Defendants, University of Pennsylvania Police Officers Cooper, Badge No. 11 and John Does One through Ten, Badge Nos. Unknown.

5. Defendant, Police Officer Cooper, Badge No.: 111 ("OFFICER COOPER"), was at all times relevant to this Complaint, an Officer of the University of Pennsylvania Police Department of Defendant, UOP, and was acting in such capacity as the agent, servant, and or employee of the UOP, by and through its Police Department, acting under the direction and control of the Defendants, Trustees and UOP and its Police Department, and was acting pursuant to either official policies, statutes, ordinances, regulations, customs, practices and usages of the City of Philadelphia and its Police Department. He is being sued in both his individual and official capacities.

6. Defendants, John Doe, Number One through Ten, are factitious names of individuals heretofore unascertained that were at all times relevant to this Complaint, Police Officers for the University of Pennsylvania Police Department and acted under the color of state law. They are being sued in both their individual and official capacities.

7. At all times material and relevant to this complaint, Defendants, the Trustees of the University of Pennsylvania and the University of Pennsylvania, did act through their agents, employees, owners, representative, agents and/or employees while in the course and scope of their employment and/or agency.

8. At all times referred to herein, Defendants, acted under color of the laws, statutes ordinances, regulations, policies, customs, and usages of the Commonwealth of Pennsylvania, the University of Pennsylvania and the University of Pennsylvania Police Department, and pursuant to their authority as police officers of the University of Pennsylvania and its police department.

9. At all times referred to herein, Defendants did conspire with one another, to deprive Plaintiff of his constitutional rights.

III. FACTS

10. On August 14, 2012, Plaintiff was the passenger of a motorcycle in the vicinity of 3800 Market Street in the city and county of Philadelphia.

11. Suddenly and without warning and/or justification, Defendant, Officer Cooper, and other defendant officers, who were in a vehicle attacked Plaintiff with their

batons and used the vehicle as a weapon by repeatedly trying to knock the motorcycle over in an attempt to force the motorcycle to stop before activating emergency signals.

12. The Defendant Officers' actions forced Plaintiff to jump off the motorcycle while it was moving.

13. Plaintiff hit the ground with such force that he suffered among other things, an injury to his left leg.

14. Despite the obvious and glaring nature of Plaintiff's leg injury, Defendant Police Officers surrounded Plaintiff, who was lying on the ground in pain, and leaned on and put unnecessary pressure on Plaintiff's injured left leg using unreasonably excessive, while they placed him in handcuffs for no reason.

15. Defendant Officers continued to lean on Plaintiff's injured left leg unreasonably excessive and unnecessary force even after they had secured Plaintiff in handcuffs causing Plaintiff further undue pain and suffering.

16. Eventually, Defendant Police Officers forced Plaintiff to stand despite the obvious injuries to his left leg and elsewhere.

17. Then Defendant Police Officers ordered Plaintiff to walk to a paddy wagon and, when he could not because of his obvious injuries, they dragged him instead.

18. Defendant, Police Officers, then threw Plaintiff into the back of the paddy wagon and purposefully did not secure him to a seat.

19. Then Defendant, Police Officers, gave Plaintiff a "nickel ride" on the way to the University of Pennsylvania Hospital—said Officers were purposefully driving in such a manner so that Plaintiff was thrown all around in the back of the paddy wagon.

20. Once inside the University of Pennsylvania Hospital, Defendant, Police Officer(s), cuffed Plaintiff to a bed.

21. It was not until a doctor came into the room and told Plaintiff that there is a chance he will keep his left leg that Defendant, Police Officer(s), removed the cuffs and left.

22. Plaintiff was diagnosed with a closed left tibial plateau fracture.

23. Plaintiff underwent a left tibial plateau closed treatment and left external fixator placement.

24. An X-ray study of the tibia/fibula revealed placement of external fixator pins in the mid tibial shaft for a comminuted fracture of the proximal tibia.

25. X-ray studies of the left femur and left knee, that were compared to studies from the previous day, revealed interval placement of external fixator with two pins in the mid femoral shaft and two pins in the mid tibial shaft for fixation of a severely comminuted intra-articular proximal tibial fracture involving the medial plateau and extending into the lateral plateau and tibial eminence; fracture alignment was grossly unchanged; again seen was lipohemarthrosis of the knee; a small bony fragment adjacent to the fivular head that possibly represented an avulsion fracture of displaced fragment from the tibial fracture.

26. On August 17, 2012, Plaintiff underwent a left tibial plateau open treatment and left external fixator removal.

27. An X-ray study of the left knee, that was compared to a study dated August 15, 2012, revealed interval placement of medical buttress plate and screes in the proximal tibia and two additional screws in the lateral tibia improving alignment of the markedly comminuted meial and lateral tibial plateau fracture; fragments had been restored to near anatomic alignment; and expected postoperative soft tissue swelling and joint effusion.

28. On August 20, 2012, Plaintiff was discharged.

29. The injury Defendants caused to Plaintiff's left tibia resulted in a fracture of the tibial plateau, which created a general weakening of the structural and soft tissue components of the area. The damage to the muscular, skeletal, and ligamentous structures is permanent and, as is typical, resulted in a loss of optimum function.

30. At no time did prior to attacking Plaintiff did the Defendant Officers activate emergency signals.

31. At no time did Plaintiff commit any act, which would give Defendant Police Officers the power or authority to arrest or use any force.

32. In fact, no one acted in any manner that could justify the Defendant Police Officers' actions.

**FIRST CAUSE OF ACTION
AGAINST DEFENDANTS, THE TRUSTEES OF
THE UNIVERSITY OF PENNSYLVANIA AND THE UNIVERSITY OF PENNSYLVANIA,
PURSUANT TO 42 U.S.C. §1983
(MONELL CLAIMS)**

33. The allegations set forth in the foregoing paragraphs are incorporated herein as if fully set forth.

34. Prior to August 14, 2012, Defendants, Trustees and UOP, developed and maintained policies or customs exhibiting deliberate indifference to the constitution rights of persons in Philadelphia, which caused the violations of plaintiff's civil rights.

35. Defendants, Trustees and UOP, has encouraged, tolerated, ratified and have been deliberately indifferent to the following patterns, practices and customs and to the need for more or different training, supervision, investigation or discipline in the areas of:

- a. The abuse of police powers, including but not limited to excessive force, unlawful detention, false arrest;
- b. The failure of police officers to follow established policies and procedures regarding the completion of police paperwork;
- c. The failure of the University of Pennsylvania Police Department to maintain proper police reports, including the identity of police eyewitness information;
- d. The failure of the University of Pennsylvania Police Department to establish policies and procedures regarding the handling of citizens who are injured;

- e. The failure of the University of Pennsylvania Police Department to establish policies and procedures regarding the transportation of injured citizens; and,
- f. The failure of University of Pennsylvania Police Officers to prevent, deter, report or to take action against the unlawful conduct of other officers under such circumstances as presented herein.

36. Defendants, Trustees and UOP, failed to properly sanction or discipline officers, who are aware and subsequently conceal and/or aid and abet violations of constitutional rights of citizens by other police officers, thereby causing and encouraging police, including the individual Defendants to violate the rights of citizens such as Plaintiff.

37. It was the policy and/or custom of Defendants, Trustees and UOP, by and through the University of Pennsylvania Police Department to inadequately and improperly investigate acts of misconduct by its officers, including defendant officer(s), such that these acts of misconduct were tolerated and known by Defendants, Trustees and UOP, including the incident involving plaintiff in this matter.

38. It was the policy and/or custom of Defendants, Trustees and UOP, and the University of Pennsylvania Police Department to inadequately supervise and train its police officers, including the defendant officer(s), thereby failing to adequately discourage further constitutional violations on the part of it police officers. Defendants, Trustees and UOP, by and through the University of Pennsylvania Police Department, did not require appropriate in-service training or re-training of officer(s) who were known to have engaged in propensities for violence, unlawful arrests, unlawful detainments and unlawful behavior and further police misconduct including, but not limited to, "nickel rides."

39. As a result of the above described policies and customs, police officers of Defendants, Trustees and UOP, and the University of Pennsylvania Police Department, including the defendant officer(s), believed that his/their actions would not be properly monitored by supervisor officers and that misconduct would not be investigated or sanctioned, but would be tolerated.

40. The above described policies and customs, police officers of Defendants, Trustees and UOP,, by and through the University of Pennsylvania Police Department, demonstrated an indifference on the part of policymakers of Defendants, Trustees and UOP, and the University of Pennsylvania Police Department to the constitutional rights of person within the City of Philadelphia, and were the cause of the violations of plaintiff's rights alleged herein.

41. The acts and failures to act of Defendants, Trustees and UOP, by and through the University of Pennsylvania Police Department, committed under color of law, as herein above set forth, deprived plaintiff of his rights, privileges and immunities guaranteed to him as a citizen of the United States, in violation of 42 U.S.C. Sections 1983, and 1985, and deprived the plaintiff of rights guaranteed by the First, Fourth, Fifth, Sixth, and Fourteenth Amendments to the Constitution of the United States and the Pennsylvania Constitution.

WHEREFORE, plaintiff respectfully requests judgment in his favor and against defendants for compensatory damages, plus costs of this action, attorneys' fees, and such other relief as this Honorable Court deems fair and appropriate under the circumstances.

**SECOND CAUSE OF ACTION
INJUNCTIVE AND DECLARATORY RELIEF AGAINST
DEFENDANTS, THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA
AND THE UNIVERSITY OF PENNSYLVANIA,
FOR CIVIL RIGHTS VIOLATIONS**

42. The allegations set forth in the foregoing paragraphs are incorporated herein as if fully set forth.

43. By adopting, permitting, encouraging, tolerating, ratifying or being deliberately indifferent to a pattern, practice and policy pursuant to which defendant police officers unlawfully and improperly arrest, detain, and use excessive force, without filing charges or even documenting an incident through a use of force report or some other document, Defendants, Trustees and UOP, have and will continue to deprive plaintiff and other individuals who come into contact with police of rights guaranteed by the Fourth, Fifth, Sixth, and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. § 1983 and §1985.

44. Defendants, Trustees and UOP, by their actions, deprived Plaintiff and other individuals of their rights to life, liberty, and, property consistent with all rights and immunities guaranteed by the Due Process Clause of the Constitution of the United States.

45. By encouraging, tolerating, ratifying or being deliberately indifferent to a pattern, practice and policy pursuant to which defendant police officers unlawfully and improperly arrest, detain, and use excessive force, without filing charges and/or even documenting an incident through a use of force report or some other document will continue to deprive plaintiff and others who may come into contact with police of rights guaranteed by the Constitution and 42 U.S.C. §1983 and §1985.

46. Moreover, by encouraging, tolerating, ratifying or being deliberately indifferent to a pattern, practice and policy pursuant to which defendant police officers fail to provide proper medical care or transportation to citizens with obvious injuries may deprive plaintiff and others who may come into contact with police of rights guaranteed by the Constitution and 42 U.S.C. §1983 and §1985.

47. Plaintiff "has standing to pursue claims for injunctive and declaratory relief to combat a pattern of illicit behavior, particularly when the challenged conduct occurs pursuant to an officially authorized policy." *McBride v. Cahoone*, 820 F.Supp.2d 623, 634 (E.D. Pa. 2011)

48. "[T]he presence of an official policy greatly increases the likelihood that any individual, including [plaintiff], will imminently suffer the very same deprivation of liberty [plaintiff] claims to have suffered in the past. *Id.* at 635.

49. Furthermore, Plaintiff currently experiences adverse effects because this pattern of illicit behavior, which sanctions the withholding of material information regarding the incident and possible witnesses by failing to document use of force, thus hindering Plaintiff's efforts to successfully pursue his claims.

50. As a result of Defendants, Trustees' and UOP's, conduct plaintiff and other individuals other individuals who come into contact with police have suffered and will continue to suffer irreparable harm. There is no adequate remedy at law and the requested declaratory and injunctive relief are necessary to prevent ongoing civil rights violations.

WHEREFORE, plaintiff respectfully requests judgment in his favor and against defendants for declaratory and injunctive relief, plus costs of this action, attorney's fees, and such other relief as this Honorable Court deems fair and appropriate under the circumstances.

**THIRD CAUSE OF ACTION
EXCESSIVE USE OF FORCE COGNIZABLE UNDER 42 U.S.C. §1983
PLAINTIFF V. ALL DEFENDANTS**

51. The allegations set forth in the foregoing paragraphs are incorporated herein as if fully set forth.

52. At the time and date aforementioned, Defendants used unnecessary force on plaintiff by under arrest. Defendants' actions were unnecessary, unlawful, outrageous and intentional, and constituted an unlawful physical assault upon plaintiff.

53. As stated in the Third Circuit's Model Civil Jury Instructions:

The Fourth Amendment excessive force standard attaches at the point of a "seizure." *See Abraham v. Raso*, 183 F.3d 279, 288 (3d Cir. 1999) ("To state a claim for excessive force as an unreasonable seizure under the Fourth Amendment, a plaintiff must show that a 'seizure' occurred and that it was unreasonable."). A "seizure" occurs when a government official has, "by means of physical force or show of authority, . . . in some way restrained [the person's] liberty." *Terry v. Ohio*, 392 U.S. 1, 19 n.16 (1968); *see also Brower v. County of Inyo*, 489 U.S. 593, 596 (1989); *Berg v. County of Allegheny*, 219 F.3d 261, 269 (3d Cir. 2000) (per curiam) ("A person is seized for Fourth Amendment purposes only if he is detained by means intentionally applied to terminate his freedom of movement.").

See Third Cir. Model Civil Jury Inst. §4.9, Comment.

54. Here, there is no doubt that Plaintiff was "seized" when defendant officers, who were in a vehicle attacked Plaintiff with their batons and used the vehicle as a weapon by repeatedly trying to knock the motorcycle over in an attempt to force the motorcycle to stop without activating emergency signals.

55. Moreover, Defendant Police Officers continued to use excessive force against Plaintiff after he was laying on the ground with obvious injuries to his leg, which continued during the "nickel ride" in the paddy wagon and up and until the time they

removed the handcuff's after hearing the doctor say that Plaintiff may loose his leg because of the injuries caused by their unjustified and unwarranted actions.

WHEREFORE, plaintiff respectfully requests judgment in his favor and against defendants for compensatory and punitive damages, plus costs of this action, attorney's fees, and such other relief as this Honorable Court deems fair and appropriate under the circumstances.

**FOURTH CAUSE OF ACTION
UNLAWFUL SEIZURE COGNIZABLE UNDER 42 U.S.C. §1983
PLAINTIFF V. ALL DEFENDANTS**

56. The allegations set forth in the foregoing paragraphs are incorporated herein as if fully set forth.

57. At the time Plaintiff was arrested Defendants knew that there was no probable cause to arrest because they knew that he had not done anything wrong.

58. At the time Plaintiff was arrested, Defendants knew that Plaintiff was no more than a passenger on a motorcycle.

59. The fact that Defendants had no probable cause to arrest is supported by the fact that Plaintiff was not charged with any crimes despite the fact that defendant officers placed him in cuffs and transported him to a hospital while cuffed in the back of a paddy wagon where Plaintiff remained handcuffed to a bed.

WHEREFORE, plaintiff respectfully requests judgment in his favor and against defendants for compensatory and punitive damages, plus costs of this action, attorney's fees, and such other relief as this Honorable Court deems fair and appropriate under the circumstances.

**FIFTH CAUSE OF ACTION
FALSE ARREST AND IMPRISONMENT UNDER 42 U.S.C. §1983
PLAINTIFF V. ALL DEFENDANTS**

60. The allegations set forth in the foregoing paragraphs are incorporated herein as if fully set forth.

61. The conduct of defendants resulted in plaintiff being falsely, maliciously, and unlawfully arrested, detained and prosecuted, and plaintiff was deprived of his rights as secured by the Fourth and Fourteenth Amendments of the United States Constitution and 42 U.S.C. § 1983.

WHEREFORE, plaintiff respectfully requests judgment in his favor and against defendants for compensatory and punitive damages, plus costs of this action, attorney's fees, and such other relief as this Honorable Court deems fair and appropriate under the circumstances.

**SIXTH CAUSE OF ACTION
STATE LAW CLAIMS
PLAINTIFF V. INDIVIDUAL DEFENDANTS**

62. The allegations set forth in paragraphs one through fifty-two inclusive, are incorporated herein as if fully set forth.

63. The acts and conduct of all Defendants alleged in the above cause of action constitute assault and battery, false imprisonment, abuse of process, negligent infliction of emotional distress, interference with state constitutional rights, negligence, and gross negligence, under the laws of the Commonwealth of Pennsylvania, and this Court has supplemental jurisdiction to hear and adjudicate those claims.

WHEREFORE, plaintiff respectfully requests judgment in his favor and against defendants for compensatory and punitive damages, plus costs of this action, attorney's fees, and such other relief as this Honorable Court deems fair and appropriate under the circumstances.

JURY DEMAND

64. Plaintiff demands a jury trial as to each Defendant and as to each count.

WHEREFORE, plaintiff respectfully requests this Honorable Court grant the relief herein requested.

Dated: July 28, 2014

s/ L. Kenneth Chotiner

THE CHOTINER FIRM

L. KENNETH CHOTINER, ESQUIRE

Counsel for Plaintiff

1818 Market Street, Suite 3620

Philadelphia, PA 19103

215.564.6544

s/ Steven Schatz

MASTER WEINSTEIN SCHATZ MOYER, P.C.

STEVEN J. SCHATZ, ESQUIRE

Counsel for Plaintiff

1818 Market Street, Suite 3620

Philadelphia, PA 19103

215.561.2800

MCV: 4548

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 2750 Winton Street, Philadelphia, PA 19145

Address of Defendant: 133 South 36th Street, Suite 300, Philadelphia, PA 19104

Place of Accident, Incident or Transaction: 3800 Market Street, Philadelphia, Pennsylvania
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 7-28-14

Attorney-at-Law

84509

Attorney I.D.#

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleading and other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

BRANDON BYNUM

(b) County of Residence of First Listed Plaintiff PHILADELPHIA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
MASTER WEINSTEIN SCHATZ MOYER, P.C.
1818 Market Street, Suite 3620
Philadelphia, PA 19103 / Tel.: 215-561-2800

DEFENDANTS

TRUSTEE OF THE UNIVERSITY OF PENNSYLVANIA, ET AL

County of Residence of First Listed Defendant PHILADELPHIA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input checked="" type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 445 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. Sections 1983, 1985, and 1988, 28 U.S.C ss 1331 & 1343(1)(3)(4).
Brief description of cause:
CIVIL RIGHTS

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
07/28/2014

SIGNATURE OF ATTORNEY OF RECORD

JUL 31 2014

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

MAS

SD

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

BRANDON BYNUM

CIVIL ACTION

v.

14 4548
NO.

Trustees of the University of Penn- :

sylvania, et al

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

<u>07/28/2014</u>	<u>Steven J. Schatz</u>	<u>Plaintiff</u>
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